

**Meeting Notes**  
**Community Involvement Advisory Council**  
**November 13, 2008**  
**Smyrna Rest Area**

**Members Present:** Dr. Bruce Allison, Dr. Bethany Hall-Long, Pamela Meitner, La Vaida Owens-White, William Pelham, Harold Truxon

**Others Present:** Kate Layton of Dover/Kent County MPO, Randi Novakoff of Wilmapco, Denise Husband of URS on behalf of North Saint Georges, Eric J. Wilcox Sr. and Anthony “Dino” Esemple of the Laborers Local 199, Phillip Thayer and Ann Palmer of N. St. Georges Civic Association, Marc Thomas, EJ Kelly US MC Retired, and Community Ombudsman James Brunswick, Christina Wertz and Vicki Ward all of DNREC.

**Meeting Called to Order**

Bill Pelham welcomed the group and around table, introductions were made. Bill P, Pam M, Harold T., Bruce A. Denise Hudson, Ann Palmer, Kate Layton, Randy Novakoff, Major Thomas Elliott, Phil Thayer, Christina W., James, Vicki

Review of the protocol by Bill.

**Community Environmental Project fund Review:**

James explained the changes in the CEPF. The Community Environmental Project Fund (CEPF) is a fund that is generated by administrative penalties levied on companies with violations of environmental regulations. Twenty-five percent of the violation is made available to communities affected by the violations.

The Community Involvement Advisory Council has agreed to the creation of two new Community Environmental Penalty Fund grant initiatives. First is a collaborative problem – solving partnership grant. The collaborative problem – solving partnership grant provides resources for organizations to bring together all of the stakeholders affected by an environmental problem to plan together and for each organization to contribute their resources to the resolution of the problem.

The second is a technical assistance small grant. The Technical Assistance grant provides funding for organizations to contract with a technical assistance (TA) provider. The TA provider can provide environmentally focused research or training.

Both the Collaborative Problem-solving and Technical Assistance grants are limited to \$25,000. Only one Collaborative Problem-solving or Technical Assistance grant will be awarded in each county. The grants are both pilot projects that will be evaluated to determine their effectiveness and future availability.

There is a 25% matching requirement. The match can be through fundraising, volunteers, or donated supplies. There is approximately \$598,000 available in the new funding cycle. Any funds remaining after completion of the project must be returned to the CEPF.

There are two scheduled workshops Community Environmental Project Fund workshops. The first is Monday, November 24, 2008 at 319 Lukens Drive, Site Investigation and Restoration Branch office. The second is on Monday, December 8, 2008 in the DNREC auditorium.

The December 8 workshop is for interested applicants from both Kent County and Sussex County counties. Kent and Sussex are combined because there is not as much industry in and not many fines available.

The CEPF application procedures, the application form, and the CEPF spreadsheet will all be accessible online on Monday Nov. 17<sup>th</sup>. The application deadline is January 5, 2009 at 4:30. This year we will have only one funding cycle

Applications may be submitted electronically, or by mail. James continued to review the CEPF application booklet and to describe the application procedure for the guests present who were unfamiliar with the process.

Vicki and James make an initial review for complete applications; if not complete, they will be returned with a checklist. Acknowledgement of receipt of application will be sent After an application has been submitted, the grant review subcommittee evaluates it. La Vaida Owens-White is the Chair of the grant review subcommittee. The subcommittee rates each application on a scale of 1 to 10 and ranks them according to the score.

The grant review process will now involve the DNREC sponsors in the grant review subcommittee evaluation the sponsors are subject matter experts (SME) from the Department. They have expertise relevant to the environmental enhancement, pollution mitigation, or recreational opportunity project. The sponsors will help the grant review sub-committee to assess the feasibility of the project. Applicants are required to have a DNREC sponsor agree to provide technical assistance and fiscal oversight of their project in order to be eligible for funding.

All applicants are required to attend the next scheduled meeting of the Community Involvement advisory Council. Each applicant is allocated time for a brief presentation of their project and an opportunity to address any questions from the CIAC.

After the applicant makes their presentation at a council meeting, The CIAC makes a recommendation to the Department Secretary. The Secretary will consider the CIAC recommendation, but the enabling legislation, HB 192, gives the Secretary the the ultimate decision- making authority. Letters go out to the applicants to inform them of the funding decision within a week of the Secretary's determination.

The next few months allow for the administrative process of developing standard state contracts; negotiating the scope of services and schedule of payments, developing preparing purchase orders, etc. This leads us to the beginning of the project. There is a standard project year for completion of all CEPF projects. The project year for all approved applicants will begin on May 1 2009. and end May 1, 2010. The project must be completed within the year. If the grantee is unable to complete the project on time it must notify DNREC so that the contract can be formally amended.

All projects must submit interim and final reports. Interim reports are due November 1, 2009. The Final project reports are due June 1, 2010.

Bill stated any extensions would come before the council.

James added that under guidelines grantees must keep records for at least 3 years. Technical Assistance grantees must be provide any documents produced by their TA provider to DNREC. Finally, the Secretary reserves the right to audit any funds from the grant at any time.

The other change in the process worth noting here is the application cover sheet. All applications require the cover sheet you see on pages 10 and 11. The application and all the forms will be available online on Monday, November 17<sup>th</sup>.

Bill noted Council has a quorum, are you looking for an approval? James indicated, yes.

Bill stated he would first welcome a motion to approve the minutes of our last meeting. **Pam moved to approve the previous meeting minutes, the motion was second by La Vadia, with no other questions, all approved the meeting notes.**

**La Vadia made a motion to approve the booklet as James has prepared and with the amendments and corrections of typos and dates as stated. Harold seconded the motion.**

**Bill asked for any questions. With all in favor, the booklet format was approved.**

### **Community Ombudsman Report**

James reported that he had been invited to participate in the Oct 28 – 30, 2008, EPA Train the Trainer instruction. The training focused on the process of developing Collaborative Partnerships. Participation was competitive. Twenty-five applicants were selected from around the country. He was one of two representatives from a state agency. All of the other participants were EPA regional staff persons.

Handouts were provided from James.

One of the most instructive items for me and for the council is the spectrum of public involvement. It begins at the most basic level, community involvement. Here at the highest level of public participation the public is a part of the final decision. Formally, the EPA, or in our case, DNREC agrees to put the actual language proposed by the public into the regulation, and sets it out for final review and approval in the public hearing process

Collaborative partnerships are at the higher end of the scale. At collaborative levels, the agency is open to sharing power and looking at the issue from the different perspective of the stakeholders involved in the process. The parties see each other as a part of the solution to the problem. The stakeholders may actually be involved in the implementation of the final decision. The most useful part of this part of the training were the Internal and External Assessment criteria which help to determine what level of public involvement is appropriate. I would like to do a presentation to the CIAC on these in an upcoming Council meeting.

Another useful tool I acquired from training is the Environmental Science Connector. I am now linked in a network to EPA public involvement materials and their citizen involvement staff across the country. Anything in the Science Connector is free to use for training sessions.

La Vadia requested an explanation of the large graph, which James provided, entitled “Situation Assessment Matrix: Determining the Right Level of Stakeholder Interaction for Your Project”. Was this a model for the council? James indicated yes, a tool to evaluate and understand the range of interaction possible

James indicated **Outreach** is the most limited form. It only involves an agency distributing information, with no opportunity for public feedback.

The next level involves **Information Exchanges**, but there is not commitment to act on the feedback. **Recommendations** are the next highest level, but they are simply that, a recommendation. La Vadia questioned if that would come from us.

The Secretary might consider our input, but ultimately, at the national level, The EPA has final authority on regulatory decisions, and the EPA delegates that ultimate authority to the state regulatory body.

**Agreements** is the where there is a collaborative process begins. In this case, the Department is working with the public, negotiating a solution. The highest levels are the last two, the public is involved in the decision making process, the department will make your position a part of the final regulation. At the public hearing stage, the public’s language is offered as the actual proposed final regulation.

### **Claymont Air Monitoring**

In November 2006, the Secretary issued an Order to Claymont Steel to stop the release of fugitive dust that was leaving the boundaries of the plant and falling onto five communities in the Claymont area. This Order also found that the company was emitting mercury, far beyond its permitted levels, and mandated that Claymont Steel was to reduce mercury emissions by 90%.

Additional mandate were for the company to hire an independent firm to monitor the emissions and to develop options to control the dust fallout.

Claymont residents were not happy with the monitoring plan, and through DNREC, The Claymont Coalition was able to get Claymont Steel funding to conduct their own monitoring process...The Claymont Community Coalition has received training to monitor dust emissions from Global Community Monitor. The organization has taught residents how to monitor, using different tools to measure the particulate matter coming from the plant.

They have recently begun an analyses and the community is coming to their own conclusions on health risks. The Claymont Collation has taken a series of samples which identifies particulate matter that is 2.5 microns in size. That size particulate is small enough to enter into the lungs. The group plans additional analysis determine if the PM<sub>2.5</sub> contains any substances that could potentially pose a threat to human health. James informed the Council that Claymont is working with an independent laboratory. He had hoped to bring the report to the meeting, but. They will actually be getting the report today. He will bring it to the next meeting.

The Claymont Community Collation will have the opportunity to discuss findings their findings with the Department. The group is Claymont Community is having a meeting with Air Quality Management on Friday (Nov. 14, 2008) at 1:00 to discuss the monitoring process and the measures used to evaluate the particulate. A recent letter to Evraz Claymont Steel from DNREC mentions the possibility of the department taking additional steps on Claymont if the measures of compliance outlined in the Secretary's Order are not satisfied. The group hopes to have some influence on enforcement actions of the department with their monitoring results.

James indicated there is a public meeting on Saturday. Evraz Claymont Steel will be present to respond to the group and will probably address the recent letter from the Department.

Bill questioned any conflict between DNREC and the Council in welcoming an application from the community.

Christina Wertz stated DNREC encourages the community to be active, DAWM Director, Jim Werner, suggested bucket brigade type work. This supports DNREC in that we want more data, more participation. So, as far as the funding, there is no conflict, it is a wonderful thing.

Bill asked if any funds have been provided.

James indicated that no funds have been provided by DNREC, but in negotiation with Claymont Steel, Jim Werner and Air Quality Management had requested the \$50,000 grant to the Coalition for the first phase of the monitoring. The group is interested in CEPF funding in for continued monitoring and health risk assessment in 2009.

Harold asked about the cancer concentrations.

James responded that DNREC and Public Health are working on funding for long term monitoring, body burden testing, and health assessments of specific populations

Bethany noted that Secretary Hughes has been involved with the Cancer Consortium, and there are groups that monitor the cancer rates and there is a laundry list. Bill Lightsinger has worked in this capacity.

Bill questioned the laundry list, which Bethany stated there are three years of study, which the Secretary has, been personally involved.

Before opening the meeting to public comment, Bill asked if everyone had a copy of the proposed meeting dates. With the exception of the middle two, is everyone okay with these dates? The next meeting is Feb. 10<sup>th</sup>. There will be a grant review subcommittee meeting prior to that. We typically meet every other month. Bill suggested an alternative location at Appoquinimink, a new addition, twice this size, that might be more appropriate for the February 10 meeting with CEPF applicants. Bethany also suggested Christina Care; in Smyrna has a meeting place.

## **PUBLIC Comments**

Denise Husband from the URS Corporation spoke on behalf of St Georges Community. She provided photos of the St Georges project on behalf of the N. St George civic association. The community does not have access to the proposed Branch Canal Greenway proposed along the C&D canal. They have come up with a conceptual drawing of a community park, to provide access to the recreational path. At this point, the concept is a location for community gatherings, public enjoyment, and views of the recreation trail along the C&D canal. They are working with the Army Corp of Engineers to achieve the goal.

Pam inquired about the timing. They are still working on the right of way for the property. Depending on funding, they would like to start as soon as possible.

Bill asked if the brown building in the drawing is new or existing. Had they have met with the county yet? Philip Thayer responded. Yes, they had an unofficial meeting with

the County, the building is existing, but it cannot be developed due to the lack of sewer. If the building is torn down. The County would be interested once money is squared away.

Bill questioned about the parking, and Bethany asked who maintains in the interim, insurance.

Philip stated that this must be accomplished through voluntary services, as part of lease agreement with the Army Corp of Engineers. Primarily landscape, no grass cutting, keeps the Corp happy; we are looking for an initial lease of 5 years.

Philip stated the asking price for the building is \$350,000. James indicated that funding of that sort might not be appropriate for the CEPF, but the Delaware Land and Water Conservation Trust Fund (DTF) that Bob Ehemann administers allows for acquisition.

Bethany questioned the possibility of Brownfield funds for the garage cleanup. The Brownfield funding contact is Kathy Stiller-Banning.

Christina suggested d that DNREC could look at the Orphan fund.

Phil stated this project is key to the redevelopment of the community. As a park, it will be a destination point. It will attract business and perhaps revitalize the area, on the south end of the town.

Mr. Thayer stated they are now at the engineering aspect, and would be coming with more precise estimate of costs.

Bill stated that a deed would be needed, to which Philip replied, "We are seeking a lease from the Corp of Engineers for the garden part.

Bill thanked the group for the updated information.

Other comments:

Eric Wilcox of Labor 199 was present. He asked if the Claymont Steel communities were educating citizens of acute or chronic symptoms.

James indicated a Public Meeting is scheduled for Saturday at 10:00; the sample analysis will be discussed and they will speak about the health effects. People are keeping a log. They had collected 100 plus logs from community members. They collected samples of the dust with pie pans. Samples were taken with swabs from the pie pans and sent to an independent laboratory. There is a lot of community involvement.

Eric Wilcox stated that he is from New Jersey but his office is located in the monitoring area.

Anthony Esemplare of Laborers Local 199 was also present. He stated that with sampling it is more important with the interior samples, as whatever gets in the house stays there.

Anthony works out of the Claymont office in Wilmington. Eric and I work for the International but work with the communities to education and train.

James informed him that DNREC has a Brownfields Training certificate program that trains workers in hazardous waste removal. Anthony said they have a well-educated workforce. In order to be a union member he must document 400 hours of training. Asbestos is phasing out now but training is still needed for mold and other environmental issues. He also thanked the council for the invitation to sit in on a meeting.

Harold questioned of the outcome of the Shue-Medill Middle School Project that we gave funds. James replied that project never got off the ground; we had to resend the grant.

Other:

Pam made a motion to adjourn the meeting, which was seconded by Bethany; with all in favor the meeting was adjourned.

**Next Meeting dates:**

February 10, 2009

April 14, 2009

June 9, 2009

August 11, 2009

October 13, 2009

December 8, 2009

Respectfully submitted,  
Vicki Ward  
Administrative Specialist III, DNREC

*The notes of this meeting are not intended to be a verbatim record of the topics that were presented or discussed. They are for the use of the Community Involvement Advisory Council members and the public in supplementing their personal notes and recall for presentations.*